

Docket No.: 401768005US2

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rivest et al.

Application No.: 10/553,611

Confirmation No.: 1989

Filed: January 23, 2004

Art Unit: N/A

For: MICROPAYMENT PROCESSING METHOD
AND SYSTEM

Examiner: Not Yet Assigned

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER
37 C.F.R. § 1.181(a)

Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

Madam/Sir:

In response to the Notice of Abandonment mailed December 5, 2007 in the above application (attached), Applicants hereby Petition to withdraw the holding of abandonment because this holding of abandonment was in error. This present communication is accompanied by a petition for a five month extension of time under 37 C.F.R. § 1.136(a). A Renewed Petition under 37 C.F.R. § 1.47(a) is being filed concurrently with this communication and includes a Request to withdraw erroneous holding of abandonment of the above application.

A Decision on Petition under 37 C.F.R. § 1.47(a) was mailed in the above application on June 8, 2007 ("the Decision"; attached herewith). In the Decision, Examiner Bacares indicated A Request for Reconsideration must be filed within two

months from the mail date of the Decision (i.e., August 8, 2007) with extensions of time available under 37 C.F.R. § 1.136(a). A five-month extension of time is available under 37 C.F.R. § 1.136(a), allowing a response accompanied by a petition for extension of time to be timely filed on or before January, 8, 2008. In a telephone conference on December 10, 2007 with Nate Koppelman, an assistant to the undersigned patent agent, Examiner Bacares acknowledged that the holding of abandonment was in error, and instructed Applicants' representatives to file this petition to rectify the error. Accordingly, the Notice of Abandonment mailed December 5, 2007 was sent in error, and Applicants respectfully request that the erroneous holding of abandonment be withdrawn.

A separate petition for a five month extension of time and the requisite fee under 37 C.F.R. § 1.17(a) accompany this response. No fees are believed due with this communication. However, the Commissioner is hereby authorized and requested to charge any deficiency in fees herein to Deposit Account No. 50-0665, under Order No. 401768006US2 from which the undersigned is authorized to draw.

Dated:

January 7, 2008

Respectfully submitted,

By 

Kellie S. Bickel

Registration No.: 46,386

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

(206) 359-7198 (Fax)

Attorney for Applicant

DOCKETED



UNITED STATES PATENT AND TRADEMARK OFFICE

40176.8005.4502

KSB/UA

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
|--------------------|-----------------------|-----------------------|------------------------|

10/553,611

Ronald L. Rivest

PEPL-0112

CONFIRMATION NO. 1989

25096

PERKINS COIE LLP

PATENT-SEA

P.O. BOX 1247

SEATTLE, WA 98111-1247

RECEIVED
PATENT DOCKETING

DEC 10 2007

PERKINS COIE LLP

ABANDONMENT/TERMINATION
LETTER



0000000027101077

Date Mailed: 12/05/2007

NOTICE OF ABANDONMENT

Decision on Petition

The above-identified application is abandoned for failure to timely reply to the Decision on Petition mailed on 06/08/2007.

If a complete reply to the petition decision was previously filed by applicant within the time period set forth in the petition decision, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

- 1.A properly itemized date-stamped postcard receipt (see MPEP § 503);
- 2.If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
- 3.If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the petition decision, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571)-272-3282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

/tmjohnson vessels/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

08 JUN 2007

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KSB/MA



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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Stephen E. Arnett
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247

RECEIVED
PATENT DOCKETING

JUN 13 2007

PERKINS COIE LLP

In re Application of : DECISION ON
Rivet et al :
PCT No.: PCT/US04/01845 :
Application No: 10/553,611 : PETITION UNDER
Int. Filing Date: 23 January 2004 :
Priority Date: 25 January 2005 :
Attorney's Docket No.: 67065-037 (PEPL-0112) : 37 CFR 1.47(a)
For: MICROPAYMENT PROCESSING :
METHOD AND SYSTEM :

This is in response to the "PETITION UNDER 37 CFR 37 C.F.R. 1.47(A)" filed on 26 February 2007. The petition fee is now \$200.00 for a petition under 37 CFR 1.47(a) so the check of \$130.00 is insufficient to cover the petition fee.

BACKGROUND

In a decision from this Office on 16 June 2006, the petition to revive aforementioned application was granted.

On 24 July 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two months from the date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 26 February 2007, petitioner filed the present petition, a declaration in support of filing on behalf of omitted inventors Prasad Jonnalagadda, Perry Solomon and Robert Carney accompanied, inter alia, an executed Declaration without their signatures.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an

express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has not satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), petitioner has not provided the complete fee of \$200.00 under 37 CFR 1.17(g).

Regarding item (2), it has not been sufficiently demonstrated that a copy of the application papers were presented to the nonsigning inventors Prasad Jonnalagadda, Perry Solomon and Robert Carney. Petitioner asserts that the documents were e-mailed to them by Mr. Nix. The documents forwarded to them, however, did not appear to include a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP 409.03(d) because only two documents (declaration and assignment) were sent to them as indicated by Mr. Nix.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventors but it is unclear why the addresses of nonsigning inventors Prasad Jonnalagadda and Perry Solomon differ from the addresses stated in the declaration.

Regarding item (4), it is unclear if the signing inventors are Ronald L. Rivest, Silvio Micali, Joseph Bergeron III and Mark Bates are signing on their behalf and on the behalf of the nonsigning inventors. A statement that they are signing the declaration on behalf of the nonsigning inventors is required. SEE MPEP 602.

Consequently, the petition has not met the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rivest et al.

Application No.: 10/553,611

Confirmation No.: 1989

Filed: January 23, 2004

Art Unit: N/A

For: MICROPAYMENT PROCESSING METHOD
AND SYSTEM

Examiner: Not Yet Assigned

RENEWED PETITION UNDER 37 CFR 1.47(a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Rafael Bacares

Sir:

In response to the Decision on Petition under 37 C.F.R. § 1.47(a) mailed June 8, 2007 ("the Decision"), Applicants hereby submit the following:

- A. A Renewed Petition under 37 C.F.R. § 1.47(a) in the above identified application, in which two joint inventors cannot be reached or refuse to join;
 - The petition fee of \$200 under 37 C.F.R. § 1.17(g) and the surcharge fee of \$65 under 37 C.F.R. § 1.16(f);
- B. Petition for a Five Month Extension of Time under 37 C.F.R. § 1.136(a);

C. Request to Withdraw Erroneous Holding of Abandonment

Attachment A – Declaration submitted February 26, 2007

Attachment B – Declaration of Prasad Jonnalagadda submitted herein;

Attachment C – Declaration of Kellie S. Bickel Filed in Support of
Renewed Petition under 37 C.F.R. § 1.47(a);

Attachment D – Declaration of John C. Wager Filed in Support of
Renewed Petition under 37 C.F.R. § 1.47(a);

Attachment E – Notice of Abandonment mailed December 5, 2007;
and

Attachment F – Decision on Petition under 37 C.F.R. § 1.47(a) mailed
June 8, 2007.

A. Renewed Petition under 37 C.F.R. § 1.47(a) in which two joint inventors cannot be reached or refuse to join

The following individuals are listed as inventors on the above-identified application ("the Application"): Ronald L. Rivest, Silvio Micali, Perry Solomon, Robert Nix, Robert Carney, Prasad Jonnalagadda, Joseph Bergeron III, and Mark Bates. Each of these individuals, with the exception of Perry Solomon and Robert Carney has signed a Declaration in this Application. This Renewed Petition under 37 C.F.R. § 1.47(a) is made on behalf of the signing inventors Ronald L. Rivest, Silvio Micali, Robert Nix, Prasad Jonnalagadda, Joseph Bergeron III, and Mark Bates on behalf of themselves and on behalf of the two non-signing inventors, Perry Solomon and Robert Carney.

1. A Declaration of Inventorship (the "first filed Declaration", Attachment A), was filed along with a Petition under 37 C.F.R. § 1.47(a) on February 26, 2007. Prior non-signing inventor, Prasad Jonnalagadda, has subsequently executed a Declaration of Inventorship, herein submitted as Attachment B.

2. The last known addresses of the inventors who cannot be reached or refuse to sign are:

- (A) Perry Solomon
111 85th Street E #17G, New York, New York, 10028, and
- (B) Robert Carney
15 Newman Street, Cambridge, Massachusetts, 02140.

3. Perry Solomon and Robert Carney refuse to sign a Declaration of Inventorship. The circumstances of the presentation of application papers and refusal are evidence by the statement of facts set forth in the attached Declaration of Kellie S. Bickel (Attachment C) and the Declaration of John C. Wager (Attachment D), both filed in support of the Renewed Petition under 37 C.F.R. § 1.47(a). The conduct of Perry Solomon and Robert Carney constitutes a refusal to sign, or at least indicates that they

cannot be reached, as evidenced by the attached Declarations of Kellie S. Bickel (Attachment C) and John C. Wager (Attachment D). Kellie S. Bickel and John C. Wager are the person[s] who determined that Perry Solomon and Robert Carney could not be reached or refused to sign a Declaration (M.P.E.P. 409.03(a) and 409.03(d)).

4. The petition fee of \$200 under 37 C.F.R. § 1.17(g) is submitted via EFT Account. In addition, the surcharge fee of \$65 under 37 C.F.R. § 1.16(f) for filing an oath or declaration later than the application filing date is submitted via EFT Account.

Based on the above and Attachments A-D, Applicants respectfully request that the Commissioner grant this Renewed Petition under 37 C.F.R. 1.47(a).

B. Petition for a Five Month Extension of Time under 37 C.F.R. § 1.136(a)

A separate petition for a five month extension of time and the requisite fee under 37 C.F.R. § 1.17(a) accompany this response.

C. Request to Withdraw Erroneous Holding of Abandonment

In response to the Notice of Abandonment mailed December 5, 2007 in the Application (Attachment E), Applicants hereby submit a Request to withdraw the holding of abandonment because this holding of abandonment was in error. As stated above, this present communication is accompanied by a petition for a five month extension of time under 37 C.F.R. § 1.136(a). A Petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(a) of the above application is being filed concurrently with this communication at the Office of Petitions.

A Decision on Petition under 37 C.F.R. § 1.47(a) was mailed in the above application on June 8, 2007 ("the Decision"; Attachment F). In the Decision, Examiner Bacares indicated A Request for Reconsideration must be filed within two months from


the mail date of the Decision (i.e., August 8, 2007) with extensions of time available under 37 C.F.R. § 1.136(a). A five-month extension of time is available under 37 C.F.R. § 1.136(a), allowing a response accompanied by a petition for extension of time to be timely filed on or before January, 8, 2008. In a telephone conference on December 10, 2007 with Nate Koppelman, an assistant to the undersigned patent agent, Examiner Bacares acknowledged that the holding of abandonment was in error, and instructed Applicants' representatives to file this petition to rectify the error.

Accordingly, the Notice of Abandonment mailed December 5, 2007 was sent in error, and Applicants respectfully request that the erroneous holding of abandonment be withdrawn. No fees are believed due with this request.

Applicant believes all fees due in connection with this filing are submitted herewith. However, if a fee is due, the Commissioner is authorized to charge our Deposit Account No. 50-0665, under Order No. 401768005US2 from which the undersigned is authorized to draw.

Dated: January 7, 2008

Respectfully submitted,

By 
Kellie S. Bickel
Registration No.: 46,386
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Agent for Applicant

Attachment A

Declaration submitted February 26, 2007

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MICROPAYMENT PROCESSING METHOD AND SYSTEM

PEPL-0112

(Attorney Docket No. 082083-0104)

the specification of which (check one)

 is attached hereto.

 X was filed on 10/18/2005 as United States Application Number or PCT International Application Number 10/553,611 and was amended on (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before we invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by us, or by our legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|---------|---------------------|-------------------|--------------------------|
| PCT/US04/01845 | WO | January 25, 2003 | Yes | No |
| | | | | |
| | | | | |

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-------------|
| 60/442,486 | 1/25/03 |
| 60/456,741 | 3/21/03 |
| | |

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of

Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|-----------------------------------|----------------------------------|-----------------------|-------------------------|
| | | | |
| | | | |
| | | | |

I HEREBY APPOINT the registered attorneys and agents at Customer Number

48329

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Mark G. Lappin
FOLEY & LARDNER LLP
111 Huntington Avenue
Boston, MA 02199

Telephone: 617.342.4000
Facsimile: 617.342.4001


I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

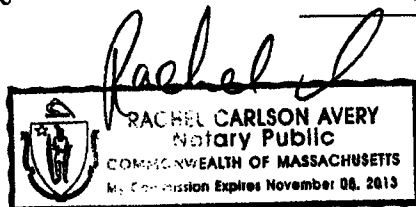
I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|----------------------|--|
| Name of 1st inventor | Ronald L. Rivest |
| Residence | 41 Academy Street, Arlington, MA 02476 |
| Citizenship | U.S.A. |
| Post Office Address | same |
| Inventor's signature | <i>Ronald L. Rivest</i> |
| Date | 2/17/07 |

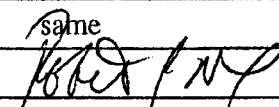
On this 17th day of February, 2007, before
me, the undersigned notary public, personally appeared
Ronald L. Rivest
proved to me through satisfactory evidence of identification,
which was MASS Driver's License, to be the person whose
name is signed on the preceding or attached document and
acknowledged to me that he/she signed it voluntarily for its stated
purpose.

Stacey R. Prince
STACEY R. PRINCE, Notary Public
My Commission Expires May 25, 2012

| | |
|----------------------|---|
| Name of 2nd inventor | Silvio Micali |
| Residence | 459 Chestnut Hill Avenue, Brookline, MA 02146 |
| Citizenship | U.S.A. |
| Post Office Address | same |
| Inventor's signature |  |
| Date | 2. 20. 07 |

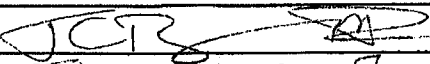


| | |
|----------------------|---------------------------------------|
| Name of 3rd inventor | Perry Solomon |
| Residence | 18 Wilcox Avenue, Pawtucket, RI 02860 |
| Citizenship | U.S.A. |
| Post Office Address | same |
| Inventor's signature | |
| Date | |

| | |
|----------------------|---|
| Name of 3rd inventor | Robert Nix |
| Residence | 197 Belknap Street, Concord, MA 01742 |
| Citizenship | U.S.A. |
| Post Office Address | same |
| Inventor's signature |  |
| Date | 2-26-2007 |

| | |
|----------------------|---------------------------------------|
| Name of 3rd inventor | Robert Carney |
| Residence | 15 Newman Street, Cambridge, MA 02140 |
| Citizenship | U.S.A. |
| Post Office Address | same |
| Inventor's signature | |
| Date | |

| | |
|----------------------|-----------------------------------|
| Name of 3rd inventor | Prasad Jonnalagadda |
| Residence | 72 Pearl Street, Newton, MA 02458 |
| Citizenship | U.S.A. |
| Post Office Address | same |
| Inventor's signature | |
| Date | |

| | |
|----------------------|--|
| Name of 3rd inventor | Joseph Bergeron III |
| Residence | 41 St. Germain Street, Boston, MA 02114 |
| Citizenship | U.S.A. |
| Post Office Address | same |
| Inventor's signature |  |
| Date | Feb 20, 2007 |

Name of 3rd inventor

Mark Bates

Residence

64 Regent Road, Malden, MA 02148

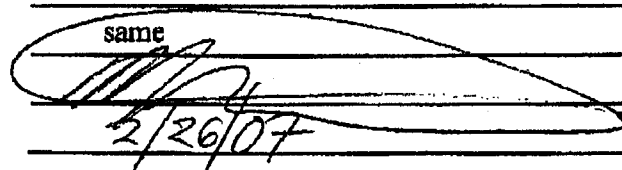
Citizenship

U.S.A.

Post Office Address

same

Inventor's signature

A handwritten signature, likely of Mark Bates, is written over the signature line. The signature is stylized and enclosed within a large, hand-drawn oval.

Date

2/26/07

Attachment B

Declaration of Prasad Jonnalagadda

| | | | | |
|---|-----------------|---------------------------|------------------|--|
| Declaration for Patent Application English Language Declaration | | Attorney Docket No. | 401768005US2 | |
| | | First Named Inventor | Ronald L. Rivest | |
| | | COMPLETE IF KNOWN: | | |
| <input type="checkbox"/> Submitted with initial filing <input checked="" type="checkbox"/> Submitted after initial filing (surcharge required 37 CFR 1.16(e)) | Application No. | 10/553,611-Conf. #1989 | | |
| | Filing Date | January 23, 2004 | | |
| | Art Unit | N/A | | |
| | Examiner | Not Yet Assigned | | |

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MICROPAYMENT PROCESSING METHOD AND SYSTEM

the specification of which

☐ is attached hereto
OR

☒ was filed on 01/23/2004
as United States Application No. or PCT International Application No. 10/553,611
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign applications(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's right certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application(s) | | | Priority Not Claimed | Certified Copy Attached | |
|------------------------------|-----------|---------------|----------------------------|-------------------------------|--------------------------|
| | | | | YES | NO |
| (Number) | (Country) | (Filing Date) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (Number) | (Country) | (Filing Date) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (Number) | (Country) | (Filing Date) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional prior foreign applications are listed on a supplemental data sheet attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


| | |
|---|------|
| Full name of sole or first inventor Ronald L. Rivest | |
| Sole or first inventor's signature | Date |
| Residence Arlington, Massachusetts | |
| Citizenship US | |
| Mailing Address 41 Academy Arlington, Massachusetts 02476 | |

| | |
|---|------|
| Full name of second inventor Silvio Micali | |
| Second inventor's signature | Date |
| Residence Bookline, Massachusetts | |
| Citizenship US | |
| Mailing Address 459 Chestnut Hill Avenue Brookline, Massachusetts 02146 | |

| | |
|--|------|
| Full name of third inventor Perry Solomon | |
| Third inventor's signature | Date |
| Residence Pawtucket, Rhode Island | |
| Citizenship US | |
| Mailing Address 18 Wilcox Avenue Pawtucket, Rhode Island 02860 | |

| | |
|---|------|
| Full name of fourth inventor, if any Robert Nix | |
| Fourth inventor's signature | Date |
| Residence Concord, Massachusetts | |
| Citizenship US | |
| Mailing Address 197 Belknap Street Concord, Massachusetts 01742 | |

| | |
|---|------|
| Full name of fifth inventor, if any Robert Carney | |
| Fifth inventor's signature | Date |
| Residence Cambridge, Massachusetts | |
| Citizenship US | |
| Mailing Address 15 Newman Street Cambridge, Massachusetts 02140 | |

| | |
|--|----------------------|
| Full name of sixth inventor, if any Prasad Jonnalagadda | |
| Sixth inventor's signature  | Date 11/24/07 |
| Residence Acton, Massachusetts | |
| Citizenship US | |
| Mailing Address 43 Minot Avenue Acton, Massachusetts 01720 | |

| | |
|--|------|
| Full name of seventh inventor, if any Joseph Bergeron | |
| Seventh inventor's signature | Date |
| Residence Palo Alto, California | |
| Citizenship US | |
| Mailing Address 1775 Alma Street Palo Alto, California 94301 | |

| | |
|--|------|
| Full name of eighth inventor, if any Mark Bates | |
| Eighth inventor's signature | Date |
| Residence Malden, Massachusetts | |
| Citizenship US | |
| Mailing Address 64 Regent Road Malden, Massachusetts 02148 | |

Attachment C

**Declaration of Kellie S. Bickel
Filed in Support of Renewed Petition under 37 C.F.R. § 1.47(a)**

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rivest et al.

Application No.: 10/553,611

Confirmation No.: 1989

Filed: January 23, 2004

Art Unit: N/A

For: MICROPAYMENT PROCESSING METHOD
AND SYSTEM

Examiner: Not Yet Assigned

DECLARATION OF KELLIE S. BICKEL
FILED IN SUPPORT OF RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Rafael Bacares

Sir:

I, Kellie S. Bickel, hereby declare and say that:

1. I am a patent agent and an authorized representative of Chockstone, Inc., the owner of the above-identified application ("the Application").

2. I am familiar with and have first-hand knowledge of the facts recited below.

3. The following individuals are listed as inventors on the Application: Ronald L. Rivest; Silvio Micali; Perry Solomon; Robert Nix; Robert Carney; Prasad Jonnalagadda; Joseph Bergeron III; and Mark Bates. Each of these individuals, with the exception of Perry Solomon and Robert Carney, has signed a Declaration in this Application.

4. A bona fide attempt was made to present a copy of the Application papers (specification, including claims, drawings and oath or declaration) to the non-signing inventors, Mr. Solomon and Mr. Carney, for signature. The facts which are relied upon to establish this bona fide attempt to have Mr. Solomon and Mr. Carney sign a Declaration in this Application are as follows:

a. On December 18, 2007, I sent a package to Mr. Solomon, via U.S. Postal Service Restricted Delivery Certified Mail No.: 7004 2890 0000 2852 3684 to the last known address of Mr. Solomon as set forth below:

Mr. Perry Solomon
111 85th Street E #17G
New York, New York, 10028

The package included: (1) a copy of the Application, entitled MICROPAYMENT PROCESSING METHOD AND SYSTEM, (2) an explanation of the Duty of Disclosure, (3) an original Declaration form, (4) an Assignment form, and (5) a cover letter requesting Mr. Solomon to sign the Declaration. Mr. Richard Gione signed for this package on December 22, 2007 and the U.S. Postal Service accepted this signature on behalf of Mr. Solomon. A copy of the cover letter, certified mail receipt, and signed return delivery receipt are attached hereto as Exhibit A.

b. On December 18, 2007, I sent a package to Mr. Carney, via U.S. Postal Service Restricted Delivery Certified Mail No.: 7003 2260 0006 4290 4629 to the last known address of Mr. Carney as set forth below:

Mr. Robert Carney
15 Newman Street
Cambridge, Massachusetts, 02140

The package included: (1) a copy of the Application, entitled MICROPAYMENT PROCESSING METHOD AND SYSTEM, (2) an explanation of the Duty of Disclosure, (3) an original Declaration form, (4) an Assignment form, and (5) a cover letter requesting Mr. Carney to sign the Declaration. Mr. Carney personally signed for this package on December 27, 2007. A copy of the cover letter, certified mail receipt, and signed return delivery receipt are attached hereto as Exhibit B.


c. Attempts to contact Mr. Carney by telephone were made by me on December 31, 2007 and January 2, 2008. A voice mail system recorded my messages to Mr. Carney on these dates. The voice mail message stated that the person reached was Rob Carney and continued with instructions to leave a message.

5. As of the date of this declaration, I have not received a signed Declaration from Mr. Solomon or Mr. Carney.

6. Based on the foregoing and the documentary evidence submitted herewith, it is clear that the inventors' conduct constitutes either a refusal to sign or an unavailability of an inventor under 37 C.F.R. 1.47(a).

The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.

Dated this 7th day of January 2008.



Kellie S. Bickel, Ph.D.
Patent Agent
Perkins Coie LLP
1201 Third Avenue
Suite 4800
Seattle, WA 98101-3099

EXHIBIT A

Cover letter sent Perry Solomon, certified mail receipt,
and signed return delivery receipt



1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

PHONE: 206.359.8000

FAX: 206.359.9000

www.perkinscoie.com

Kellie S. Bickel
PHONE: (206) 359-8118
FAX: (206) 359-9118
EMAIL: KBickel@perkinscoie.com

December 18, 2007

**VIA CERTIFIED MAIL
RESTRICTED DELIVERY**

Perry Solomon
111 85th Street E #17G
New York, New York 10028

**Re: U.S. Patent Application No. 10/553,611
Entitled: MICROPAYMENT PROCESSING METHOD AND SYSTEM
Attorney Docket No. 40176-8005US2
Previous Reference No. PEPL-0112**

Executive Summary

1. Please sign and date the attached Declaration and Assignment.
2. Please return the signed documents to us no later than **December 28, 2007**.

Dear Mr. Solomon:

Thank you for your time. Chockstone, Inc. has purchased Peppercoin Inc.'s patent assets. The US Patent Office has not received a Declaration of Inventorship signed by yourself on your own behalf for the above identified patent application. Accordingly, please sign the attached Declaration and an Assignment. I have also attached a copy of the above U.S Patent Application for your review and have outlined instructions below for confirming inventorship and disclosing "prior art" to the U.S. Patent and Trademark Office. Further information regarding these topics is enclosed with this letter.

Confirm Inventorship

In the United States, patent applications are filed (and patents issue) in the name of all the inventors. An inventor is one who made an inventive contribution to the method, apparatus or product defined by any one of the claims in the application. If someone later discovers that the list of inventors is incorrect and resulted from bad faith, any resulting patent could be invalidated. We understand that the inventors for U.S. Patent Application No. 10/553,611 are

40176-8005.US02/LEGAL13808787.1
12/17/07

ANCHORAGE • BEIJING • BELLEVUE • BOISE • CHICAGO • DENVER • LOS ANGELES • MENLO PARK
OLYMPIA • PHOENIX • PORTLAND • SAN FRANCISCO • SEATTLE • SHANGHAI • WASHINGTON, D.C.

Perkins Cole LLP and Affiliates

Perry Solomon
December 18, 2007
Page 2

Ronald Rivest, Silvio Micali, Perry Solomon, Robert Nix, Robert Carney, Prasad Jonnalagadda, Joseph Bergeron and Mark Bates.

Each inventor should sign and date the Declaration with his full legal name. By signing the Declaration, each inventor is, in effect, declaring that he does not know or believe the invention was: (a) known or used by others in the United States before he or she conceived of the invention; (b) in public use or offered for sale in the United States more than one year before this application was filed; or (c) patented or described in any printed publication in any country, either before he or she conceived of the invention or more than one year before filing this application. Each inventor is also declaring that he or she has read and understood the contents of the application, and has contributed to the conception of the invention as defined by the claims. If the Declaration requires any changes and/or edits to your name or address, please initial and date each edit. Each inventor should sign the Assignment before a Notary Public. After the Assignment has been signed, please return the signed 1) Declaration and 2) Assignment. Our final deadline to file these documents is January, 8, 2008. Kindly return these documents as well as the copy of the Application to us no later than December 28, 2007. We have included a pre-paid return envelope for your convenience.

You Must Disclose Information Materially Related to the Invention

The Patent Office regulations require the inventors, the patent attorney, and anyone else substantively involved in preparing or prosecuting the patent application to disclose to the Patent Office any information that may bear on the patent Examiner's decision to allow the application to issue as a patent. If you or anyone associated with this application is aware of any such information that you have not previously provided to us, please let us know.

Thank you for giving this matter your immediate attention. If you have any questions or comments, please contact me.

Very truly yours,



Kellie S. Bickel, Ph.D.
Patent Agent

Enclosures:

Declaration of Inventorship for U.S. Patent Application 10/553,611
Assignment for U.S. Patent Application 10/553,611
U.S. Patent Application 10/553,611
Duty of Disclosure

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Perry Solomon
111 85th Street E #176
New York, New York 10028

2. Article Number

(Transfer from service label)

7004 2890 0000 2852 3684

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

COMPLETE THIS SECTION ON DELIVERY

Signature

[Signature] ☐ Agent
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

7004 2890 0000 2852 3684

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ 7.50

Certified Fee 2.65

Return Receipt Fee (Endorsement Required) 2.5

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$12.30

K. Bickel

Sent to

Perry Solomon

Street, Apt. No.

or PO Box No.

City, State, ZIP+4

New York, New York 10028

PS Form 3800, June 2002

See Reverse for Instructions



UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. 310

24 DEC 2007 PM 12:12

• Sender: Please print your name, address, and ZIP+4 in this box •

Kelli Bickel 41
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

S. Brazelton

90176-8005-1202

333



EXHIBIT B

Cover letter sent Robert Carney, certified mail receipt,
and signed return delivery receipt



1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

PHONE: 206.359.8000

FAX: 206.359.9000

www.perkinscoie.com

Kellie S. Bickel
PHONE: (206) 359-8118
FAX: (206) 359-9118
EMAIL: KBickel@perkinscoie.com

December 18, 2007

**VIA CERTIFIED MAIL
RESTRICTED DELIVERY**

Robert Carney
15 Newman Street
Cambridge, Massachusetts 02140

**Re: U.S. Patent Application No. 10/553,611
Entitled: MICROPAYMENT PROCESSING METHOD AND SYSTEM
Attorney Docket No. 40176-8005US2
Previous Reference No. PEPL-0112**

Executive Summary

1. Please sign and date the attached Declaration and Assignment.
2. Please return the signed documents to us no later than **December 28, 2007**.

Dear Mr. Carney:

Thank you for your time. Chockstone, Inc. has purchased Peppercoin Inc.'s patent assets. The US Patent Office has not received a Declaration of Inventorship signed by yourself on your own behalf for the above identified patent application. Accordingly, please sign the attached Declaration and an Assignment. I have also attached a copy of the above U.S Patent Application for your review and have outlined instructions below for confirming inventorship and disclosing "prior art" to the U.S. Patent and Trademark Office. Further information regarding these topics is enclosed with this letter.

Confirm Inventorship

In the United States, patent applications are filed (and patents issue) in the name of all the inventors. An inventor is one who made an inventive contribution to the method, apparatus or product defined by any one of the claims in the application. If someone later discovers that the list of inventors is incorrect and resulted from bad faith, any resulting patent could be invalidated. We understand that the inventors for U.S. Patent Application No. 10/553,611 are

40176-8005.US02/LEGAL13812287.1
12/18/07

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · LOS ANGELES · MENLO PARK
OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · SHANGHAI · WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

Robert Carney
December 18, 2007
Page 2

Ronald Rivest, Silvio Micali, Perry Solomon, Robert Nix, Robert Carney, Prasad Jonnalagadda, Joseph Bergeron and Mark Bates.

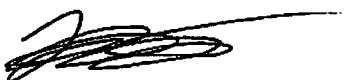
Each inventor should sign and date the Declaration with his full legal name. By signing the Declaration, each inventor is, in effect, declaring that he does not know or believe the invention was: (a) known or used by others in the United States before he or she conceived of the invention; (b) in public use or offered for sale in the United States more than one year before this application was filed; or (c) patented or described in any printed publication in any country, either before he or she conceived of the invention or more than one year before filing this application. Each inventor is also declaring that he or she has read and understood the contents of the application, and has contributed to the conception of the invention as defined by the claims. If the Declaration requires any changes and/or edits to your name or address, please initial and date each edit. Each inventor should sign the Assignment before a Notary Public. After the Assignment has been signed, please return the signed 1) Declaration and 2) Assignment. Our final deadline to file these documents is January, 8, 2008. Kindly return these documents as well as the copy of the Application to us no later than December 28, 2007. We have included a pre-paid return envelope for your convenience.

You Must Disclose Information Materially Related to the Invention

The Patent Office regulations require the inventors, the patent attorney, and anyone else substantively involved in preparing or prosecuting the patent application to disclose to the Patent Office any information that may bear on the patent Examiner's decision to allow the application to issue as a patent. If you or anyone associated with this application is aware of any such information that you have not previously provided to us, please let us know.

Thank you for giving this matter your immediate attention. If you have any questions or comments, please contact me.

Very truly yours,



Kellie S. Bickel, Ph.D.
Patent Agent

Enclosures:

Declaration of Inventorship for U.S. Patent Application 10/553,611
Assignment for U.S. Patent Application 10/553,611
U.S. Patent Application 10/553,611
Duty of Disclosure

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert Carney
15 Newman Street
Cambridge, MA 02140

A. Signature

X *Robert Carney* ☐ Agent ☐ Address

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

02 27 2002

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. Article Number
(Transfer from service label)

7003 2260 0006 4290 4629

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$7.50

Certified Fee

2.65

Return Receipt Fee
(Endorsement Required)

2.15

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$12.30

Sent To

Robert Carney
Street, Apt. No.,
or PO Box No. 15 Newman Street
City, State, ZIP+4
Cambridge, MA 02140

PS Form 3800, June 2002

See Reverse for Instructions



7003 2260 0006 4290 4629

UNITED STATES POSTAL SERVICE

BOSTON MA 021

First Class Mail
Postage & Fees Paid
USPS
Permit No. 617

28 DEC 2007

• Sender: Please print your name, address, and ZIP+4 in this box •

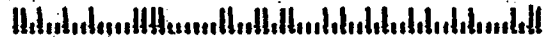
Kelli S. Bickel

1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

S. Brazelton

40176-KDD5.0502

0593



Attachment D

**Declaration of John C. Wager
Filed in Support of Renewed Petition under 37 C.F.R. § 1.47(a)**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rivest et al.

Application No.: 10/553,611

Confirmation No.: 1989

Filed: January 23, 2004

Art Unit: N/A

For: MICROPAYMENT PROCESSING METHOD
AND SYSTEM

Examiner: Not Yet Assigned

DECLARATION OF JOHN C. WAGER
FILED IN SUPPORT OF RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Rafael Bacares

Sir:

I, John C. Wager, hereby declare and say that:

1. I am a contract specialist employed by Chockstone, Inc., owner of the above-identified application ("the Application").
2. I am familiar with and have first-hand knowledge of the facts recited below.
3. The following individuals are listed as inventors on the Application: Ronald L. Rivest; Silvio Micali; Perry Solomon; Robert Nix; Robert Carney; Prasad Jonnalagadda; Joseph Bergeron III; and Mark Bates. Each of these individuals, with the exception of Perry Solomon and Robert Carney has signed a Declaration in this Application.

4. A bona fide attempt was made to present a copy of the Application papers (specification, including claims, drawings and oath or declaration) to the non-signing inventors, Mr. Solomon and Mr. Carney, for signature. The facts which are relied upon to establish this bona fide attempt to have Mr. Solomon and Mr. Carney sign a Declaration in this Application are as follows:

a. On December 6, 2007, I sent an email to Mr. Solomon and Mr. Carney which included: (1) a copy of the Application, entitled MICROPAYMENT PROCESSING METHOD AND SYSTEM, (2) instructions explaining the Duty of Disclosure, (3) original Declaration form and (4) an Assignment form. I sent this email to the last known email addresses of Mr. Solomon and Mr. Carney as set forth below:

Mr. Perry Solomon
PerryS@fastsearch.com

Mr. Robert Carney
RobC@fastsearch.com

I also forwarded copies of these emails to Dr. Kellie S. Bickel, patent agent. A redacted copy of this email is attached hereto as Exhibit A. In my email correspondence, I reminded both Mr. Solomon and Mr. Carney of their respective obligations to sign the Declaration and requested that they do so.

b. On December 17, 2007, I sent a second email to Mr. Solomon and Mr. Carney which included original Declaration and Assignment forms for the Application, and Duty of Disclosure instructions. I sent this email to the last known email addresses as set forth below:

Mr. Perry Solomon
PerryS@fastsearch.com

Mr. Robert Carney
RobC@fastsearch.com
robert.carney@alum.mit.edu

Redacted copies of this second email are attached hereto as Exhibits B and C. On this same date, I also sent a third email to Mr. Solomon and Mr. Carney which included a copy of the Application. A copy of this third email is attached as Exhibit D.

c. On December 18, 2007, I sent a fourth email to Mr. Solomon at pssolomon@gmail.com. This email correspondence included: (1) a copy of the Application, (2) an explanation of the Duty of Disclosure, (3) an original Declaration form and (4) an Assignment form.

I received an email response to my fourth email from Mr. Solomon on December 21, 2007. In his response, Mr. Solomon requested I call him at his private cell phone number. I confirmed receipt of his instruction in a fifth email I sent Mr. Solomon on December 21, 2007. Redacted copies of the fourth and fifth emails are attached hereto as Exhibit E.

d. I contacted Mr. Solomon by telephone on December 26, 2007. At that time, he confirmed that he had received a package mailed by Dr. Bickel that included a copy of the Application and original Declaration form for his signature. I reminded Mr. Solomon of his obligation to sign the Declaration and again requested he do so.

e. Three additional attempts to contact Mr. Solomon by telephone were made by me on the following dates: December 24, 2007; January 2, 2008; and January 7, 2008. A voice mail system recorded my messages to Mr. Solomon. The voice mail message stated that the person reached was Perry Solomon and continued with instructions to leave a message. Additional attempts to contact Mr. Solomon by telephone at his place of work made by me on January 2, 2008 and January 7, 2008.

f. Attempts to contact Mr. Carney by telephone at his place of work were made by me on the following dates: January 2, 2008 and January 7, 2008. A voice mail system recorded my message to Mr. Carney on January 2, 2008. The voice mail message stated that the person reached was Rob Carney and continued with instructions to leave a message. An additional attempt to contact Mr. Carney at a last known home telephone number was made by me on January 7, 2008; however, there was no answer or message machine.

5. As of the date of this declaration, Chockstone, Inc., owner of the Application, has not received a signed Declaration from Mr. Solomon or Mr. Carney.

6. Based on the foregoing, and copies of the documentary evidence submitted herewith, it is clear that the inventor's conduct constitutes either a refusal to sign or an unavailability of an inventor under 37 C.F.R. 1.47(a).

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.

Dated this 7th day of January 2008.

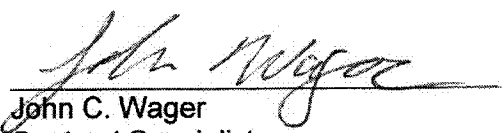

John C. Wager
Contract Specialist
Chockstone, Inc.
326 SW Broadway
Suite 400
Portland, OR 97205

EXHIBIT A

December 6, 2007 Email Correspondence

Bickel, Kellie S. (Perkins Coie)

From: John Wager [jwager@chockstone.com]
Sent: Monday, January 07, 2008 1:43 PM
To: Bickel, Kellie S. (Perkins Coie)
Subject: FW: High Importance: Declarations of Inventorship for 40176-8005US2
Importance: High
Attachments: 8005US2 Declaration.doc; Assignment 8005US2 (2).DOC; Duty of Disclosure (3).pdf; 8005US2 Application.zip

From: John Wager [mailto:jwager@chockstone.com]
Sent: Thursday, December 06, 2007 3:09 PM
To: RobC@fastsearch.com; PerryS@fastsearch.com
Subject: High Importance: Declarations of Inventorship for 40176-8005US2
Importance: High

Re: U.S. Patent Application No. 10/553,611
Entitled: MICROPAYMENT PROCESSING METHOD AND SYSTEM
Attorney Docket No. 40176-8005US2
Previous Reference No. PEPL-0112

Executive Summary

1. Declaration of Inventorship for Robert Carney's and Perry Solomon's signatures is attached.
2. Assignment document for Robert Carney's and Perry Solomon's signatures is attached.
3. Copy of Application and Duty of Disclosure instructions are attached to send to Robert Carney and Perry Solomon.

Requested actions

1. Please sign and date the attached Declaration and Assignment.
2. Please return the signed documents to no later than **December 14, 2007**.

Dear Mr. Solomon and Mr. Carney:

Thank you for your time. As I have explained to you, Mr. Carney, Chockstone, Inc. has purchased Peppercoin's patent assets. The US Patent Office has not received a Declaration of Inventorship signed by you and Mr. Solomon on your own behalf for the above identified patent application. Accordingly, I request that you both please correct the information relevant to your address and nationality and sign the attached Declaration and an Assignment. Please note that if your address has changed since the original application we will need to change the documents I have sent before they are printed and signed. You may do that, or let me know and I can correct it.

I have also attached a copy of the above U.S Patent Application for your review and have outlined instructions below for confirming inventorship and disclosing "prior art" to the U.S. Patent and Trademark Office. Further information regarding these topics is enclosed with this letter.

1/7/2008

Confirm Inventorship

In the United States, patent applications are filed (and patents issue) in the name of all the inventors. An inventor is one who made an inventive contribution to the method, apparatus or product defined by any one of the claims in the application. If someone later discovers that the list of inventors is incorrect and resulted from bad faith, any resulting patent could be invalidated. We understand that the inventors for U.S. Patent Application No. 10/553,611 are Ronald Rivest, Silvio Micali, Perry Solomon, Robert Nix, Robert Carney, Prasad Jonnalagadda, Joseph Bergeron and Mark Bates.

Each inventor should sign and date the Declaration with his full legal name. By signing the Declaration, each inventor is, in effect, declaring that he does not know or believe the invention was: (a) known or used by others in the United States before he or she conceived of the invention; (b) in public use or offered for sale in the United States more than one year before this application was filed; or (c) patented or described in any printed publication in any country, either before he or she conceived of the invention or more than one year before filing this application. Each inventor is also declaring that he or she has read and understood the contents of the application, and has contributed to the conception of the invention as defined by the claims. Each inventor should sign the Assignment before a Notary Public. After the Assignment has been signed, please return the signed 1) Declaration and 2) Assignment. Our final deadline to file these documents is January, 8, 2008. Kindly return these documents to us no later than December 14, 2007. You may scan and email the documents or fax the documents to us (you need to only return the signed pages).

You Must Disclose Information Materially Related to the Invention

The Patent Office regulations require the inventors, the patent attorney, and anyone else substantively involved in preparing or prosecuting the patent application to disclose to the Patent Office any information that may bear on the patent Examiner's decision to allow the application to issue as a patent. If you or anyone associated with this application is aware of any such information that you have not previously provided to us, please let us know.

Thank you for giving this matter your immediate attention. If you have any questions or comments, please contact me.

[REDACTED]

Very truly yours,

John Wager

Contract Specialist

Chockstone, Inc.

326 SW Broadway, Suite 400 | Portland OR 97205

(503) 907-2398 Phone | (503) 227-4324 Fax

jwager@chockstone.com

NB: You may return the documents to me or directly to our Patent Counsel

1/7/2008

Kellie S. Bickel, Ph.D. | Patent Agent

Perkins Cole LLP

1201 Third Avenue, Suite 4800

Seattle, WA 98101

phone: 206-359-8118

fax: 206-359-9118

email: KBickel@perkinscole.com

Enclosures:

Declaration of Inventorship for U.S. Patent Application 10/553,611

Assignment for U.S. Patent Application 10/553,611

U.S. Patent Application 10/553,611

Duty of Disclosure

<<8005US2 Declaration.doc>> <<Assignment 8005US2.DOC>> <<Duty of Disclosure (3).pdf>> <<8005US2 Application.zip>>

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1/7/2008

EXHIBIT B

December 17, 2007 Email Correspondence (1)

Bickel, Kellie S. (Perkins Coie)

From: John Wager [jwager@chockstone.com]
Sent: Monday, January 07, 2008 1:43 PM
To: Bickel, Kellie S. (Perkins Coie)
Subject: FW: Declarations of Inventorship for 40176-8005US2
Importance: High
Attachments: 8005US2 Declaration.doc; Assignment 8005US2 (2).DOC; Duty of Disclosure (3).pdf

From: John Wager [mailto:jwager@chockstone.com]
Sent: Monday, December 17, 2007 10:29 AM
To: 'RobC@fastsearch.com'; 'PerryS@fastsearch.com'
Subject: Declarations of Inventorship for 40176-8005US2
Importance: High

Re: U.S. Patent Application No. 10/553,611
Entitled: MICROPAYMENT PROCESSING METHOD AND SYSTEM
Attorney Docket No. 40176-8005US2
Previous Reference No. PEPL-0112

Executive Summary

1. Declaration of Inventorship for Robert Carney's and Perry Solomon's signatures is attached.
2. Assignment document for Robert Carney's and Perry Solomon's signatures is attached.
3. Copy of Application and Duty of Disclosure instructions are attached to send to Robert Carney and Perry Solomon.

Requested actions

1. Please sign and date the attached Declaration and Assignment.
2. Please return the signed documents to no later than **December 28, 2008**.

Dear Mr. Solomon and Mr. Carney:

Thank you for your time. As I have explained to you, Mr. Carney, Chockstone, Inc. has purchased Peppercoin's patent assets. The US Patent Office has not received a Declaration of Inventorship signed by you and Mr. Solomon on your own behalf for the above identified patent application. Accordingly, I request that you both please correct the information relevant to your address and nationality and sign the attached Declaration and an Assignment. Please note that if your address has changed since the original application we will need to change the documents I have sent before they are printed and signed. You may do that, or let me know and I can correct it.

I have outlined instructions below for confirming inventorship and disclosing "prior art" to the U.S. Patent and Trademark Office. I have attached a copy of the above U.S Patent Application for your review in a following email, because the file is exceedingly large. If you do not receive it in good order, please let me know so I can resend it or make other arrangements for you to get a copy for review. Further information regarding these topics is enclosed with this letter.

1/7/2008

Confirm Inventorship

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Kindly return these documents to us by December 28, 2007, and no later than January 4th, 2008 in order for us to make our final deadline. You may scan and email the documents or fax the documents to us (you need to only return the signed pages).

You Must Disclose Information Materially Related to the Invention

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Thank you for giving this matter your immediate attention. If you have any questions or comments, please contact me.

[REDACTED]

Very truly yours,

John Wager

Contract Specialist

Chockstone, Inc.

326 SW Broadway, Suite 400 | Portland OR 97205

(503) 907-2398 Phone | (503) 227-4324 Fax

jwager@chockstone.com

NB: You may return the documents to me or directly to our Patent Counsel

1/7/2008

Kellie S. Bickel, Ph.D. | Patent Agent

Perkins Coie LLP

1201 Third Avenue, Suite 4800

Seattle, WA 98101

phone: 206-359-8118

fax: 206-359-9118

email: KBickel@perkinscoie.com

Enclosures:

Declaration of Inventorship for U.S. Patent Application 10/553,611

Assignment for U.S. Patent Application 10/553,611

Duty of Disclosure

<<8005US2 Declaration.doc>> <<Assignment 8005US2.DOC>> <<Duty of Disclosure (3).pdf>>

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1/7/2008

EXHIBIT C

December 17, 2007 Email Correspondence (2)

Bickel, Kellie S. (Perkins Coie)

From: John Wager [jwager@chockstone.com]
Sent: Monday, January 07, 2008 1:44 PM
To: Bickel, Kellie S. (Perkins Coie)
Subject: FW: Declarations of Inventorship for 40176-8005US2
Importance: High
Attachments: 8005US2 Declaration.doc; Assignment 8005US2 (2).DOC; Duty of Disclosure (3).pdf

From: John Wager [mailto:jwager@chockstone.com]
Sent: Monday, December 17, 2007 1:49 PM
To: 'robert.carney@alum.mit.edu'; 'robc@fastsearch.com'
Subject: Declarations of Inventorship for 40176-8005US2
Importance: High

Re: U.S. Patent Application No. 10/553,611
Entitled: MICROPAYMENT PROCESSING METHOD AND SYSTEM
Attorney Docket No. 40176-8005US2
Previous Reference No. PEPL-0112

Executive Summary

1. Declaration of Inventorship for Robert Carney's and Perry Solomon's signatures is attached.
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3. Copy of Application and Duty of Disclosure instructions are attached to send to Robert Carney and Perry Solomon.

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1. Please sign and date the attached Declaration and Assignment.
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Dear Mr. Carney:

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Thank you for giving this matter your immediate attention. If you have any questions or comments, please contact me.

[REDACTED]

Very truly yours,

John Wager

Contract Specialist

Chockstone, Inc.

326 SW Broadway, Suite 400 | Portland OR 97205

(503) 907-2398 Phone | (503) 227-4324 Fax

jwager@chockstone.com

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email: KBickel@perkinscoie.com

Enclosures:

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Assignment for U.S. Patent Application 10/553,611

Duty of Disclosure

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EXHIBIT D

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Bickel, Kellie S. (Perkins Coie)

From: John Wager [jwager@chockstone.com]
Sent: Monday, January 07, 2008 1:44 PM
To: Bickel, Kellie S. (Perkins Coie)
Subject: FW: Declarations of Inventorship for 40176-8005US2 - application
Importance: High
Attachments: 8005US2 Application.zip

From: John Wager [mailto:jwager@chockstone.com]
Sent: Monday, December 17, 2007 10:29 AM
To: 'RobC@fastsearch.com'; 'PerryS@fastsearch.com'
Subject: Declarations of Inventorship for 40176-8005US2 - application
Importance: High

Re: U.S. Patent Application No. 10/553,611
Entitled: MICROPAYMENT PROCESSING METHOD AND SYSTEM
Attorney Docket No. 40176-8005US2
Previous Reference No. PEPL-0112

Dear Mr. Solomon and Mr. Carney:

Attached please find a copy of the patent application.

Very truly yours,

John Wager
Contract Specialist
Chockstone, Inc.
326 SW Broadway, Suite 400 | Portland OR 97205
(503) 907-2398 Phone | (503) 227-4324 Fax
jwager@chockstone.com

Enclosures:

U.S. Patent Application 10/553,611

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1/7/2008

EXHIBIT E

December 18, 2007 and December 21, 2007 Email Correspondence

Bickel, Kellie S. (Perkins Coie)

From: John Wager [jwager@chockstone.com]
Sent: Monday, January 07, 2008 1:44 PM
To: Bickel, Kellie S. (Perkins Coie)
Subject: FW: Small world

From: John Wager [mailto:jwager@chockstone.com]
Sent: Friday, December 21, 2007 11:16 AM
To: 'Perry Solomon'
Subject: Small world

Hello Perry,

The end of the year is busy, and keeps getting better.

Monday is fine. I will call you at the number below. I can call about 9am my time, noon yours, if that is OK? If there is another time, let me know.

Regards,

John
[REDACTED]

From: Perry Solomon [mailto:pssolomon@gmail.com]
Sent: Friday, December 21, 2007 10:37 AM
To: John Wager
Subject: Re: Help and advice regarding Micropayment Processing Method and System patent

Hi John - sorry for the delay in getting back to you. End of year is a very busy time. Can we touch base on Monday to see how/if I can help you? Please call my cell - [REDACTED] - if possible.

Thanks,

Perry

On Dec 18, 2007 5:38 PM, John Wager <jwager@chockstone.com> wrote:

Dear Mr. Solomon:

My name is John Wager, the contract specialist at Chockstone, Inc. in Portland, Oregon. We are the company that purchased the assets of Peppercoin, Inc. this last year.

We are attempting to contact you regarding the Micropayment Processing Method and System patent.

1/7/2008

application, what it is intended to do and your original plan for its implementation. We are in the midst of pursuing the worldwide registrations of the patent [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If you have any questions or comments, please contact me.

Very truly yours,

John Wager

Contract Specialist

Chockstone, Inc.

326 SW Broadway, Suite 400 | Portland OR 97205

(503) 907-2398 Phone | (503) 227-4324 Fax

jwager@chockstone.com

Re: U.S. Patent Application No. 10/553,611

Entitled: MICROPAYMENT PROCESSING METHOD AND SYSTEM

Attorney Docket No. 40176-8005US2

Previous Reference No. PEPL-0112

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1/7/2008

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Each inventor should sign and date the Declaration with his full legal name. By signing the Declaration, each inventor is, in effect, declaring that he does not know or believe the invention was: (a) known or used by others in the United States before he or she conceived of the invention; (b) in public use or offered for sale in the United States more than one year before this application was filed; or (c) patented or described in any printed publication in any country, either before he or she conceived of the invention or more than one year before filing this application. Each inventor is also declaring that he or she has read and understood the contents of the application, and has contributed to the conception of the invention as defined by the claims. Each inventor should sign the Assignment before a Notary Public. After the Assignment has been signed, please return the signed 1) Declaration and 2) Assignment. Kindly return these documents to us by December 28, 2007, and no later than January 4th, 2008 in order for us to make our final deadline. You may scan and email the documents or fax the documents to us (you need to only return the signed pages).

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NB: You may return the documents to me or directly to our Patent Counsel

1/7/2008

Kellie S. Bickel, Ph.D. | Patent Agent

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1201 Third Avenue, Suite 4800

Seattle, WA 98101

phone: 206-359-8118

fax: 206-359-9118

email: KBickel@perkinscoie.com

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--

Perry Solomon

Tel: 401.743.5603

E-Mail: pssolomon@gmail.com

1/7/2008

Attachment E

Notice of Abandonment mailed December 5, 2007

DOCKETED



UNITED STATES PATENT AND TRADEMARK OFFICE

40176.8005.4502
KSB/UA
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/553,611 | | Ronald L. Rivest | PEPL-0112 |

CONFIRMATION NO. 1989

25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

RECEIVED
PATENT DOCKETING

DEC 10 2007

PERKINS COIE LLP

ABANDONMENT/TERMINATION
LETTER



OC000000027101077

Date Mailed: 12/05/2007

NOTICE OF ABANDONMENT

Decision on Petition

The above-identified application is abandoned for failure to timely reply to the Decision on Petition mailed on 06/08/2007.

If a complete reply to the petition decision was previously filed by applicant within the time period set forth in the petition decision, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the petition decision, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571)-272-3282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

/tmjohnson vessels/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

Attachment F

Decision on Petition under 37 C.F.R. § 1.47(a) mailed June 8, 2007

08 JUN 2007

40176.8005 US2
KSB/MA



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Stephen E. Arnett
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247

RECEIVED
PATENT DOCKETING

JUN 13 2007

PERKINS COIE LLP

| | | |
|--|---|----------------|
| In re Application of | : | DECISION ON |
| Rivet et al | : | |
| PCT No.: PCT/US04/01845 | : | |
| Application No: 10/553,611 | : | PETITION UNDER |
| Int. Filing Date: 23 January 2004 | : | |
| Priority Date: 25 January 2005 | : | |
| Attorney's Docket No.: 67065-037 (PEPL-0112) | : | 37 CFR 1.47(a) |
| For: MICROPAYMENT PROCESSING | : | |
| METHOD AND SYSTEM | : | |

This is in response to the "PETITION UNDER 37 CFR 37 C.F.R. 1.47(A)" filed on 26 February 2007. The petition fee is now \$200.00 for a petition under 37 CFR 1.47(a) so the check of \$130.00 is insufficient to cover the petition fee.

BACKGROUND

In a decision from this Office on 16 June 2006, the petition to revive aforementioned application was granted.

On 24 July 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two months from the date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 26 February 2007, petitioner filed the present petition, a declaration in support of filing on behalf of omitted inventors Prasad Jonnalagadda, Perry Solomon and Robert Carney accompanied, inter alia, an executed Declaration without their signatures.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an

express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has not satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), petitioner has not provided the complete fee of \$200.00 under 37 CFR 1.17(g).

Regarding item (2), it has not been sufficiently demonstrated that a copy of the application papers were presented to the nonsigning inventors Prasad Jonnalagadda, Perry Solomon and Robert Carney. Petitioner asserts that the documents were e-mailed to them by Mr. Nix. The documents forwarded to them, however, did not appear to include a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP 409.03(d) because only two documents (declaration and assignment) were sent to them as indicated by Mr. Nix.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventors but it is unclear why the addresses of nonsigning inventors Prasad Jonnalagadda and Perry Solomon differ from the addresses stated in the declaration.

Regarding item (4), it is unclear if the signing inventors are Ronald L. Rivest, Silvio Micali, Joseph Bergeron III and Mark Bates are signing on their behalf and on the behalf of the nonsigning inventors. A statement that they are signing the declaration on behalf of the nonsigning inventors is required. SEE MPEP 602.

Consequently, the petition has not met the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


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